

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTOPHER NEAL,

Plaintiff,

vs.

No.07-CV-1333
(FJS/DRH)

M.EDDY, Correctional Officer, Gouverneur
Correctional Facility; KOGUT, Correctional
Officer, Gouverneur Correctional Facility;
N. MARTIN, Senior Counselor/Hearing Officer,
Gouverneur Correctional Facility; and
JAMES A. TAYLOR, Superintendent, Gouverneur
Correctional Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

CHRISTOPHER NEAL
Plaintiff, *pro se*
91-A-7563
Five Points Correctional Facility
Caller Box 119
Romulus, New York 14541

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State of New York
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FREDERICK J. SCULLIN, JR., S.J.

DECISION & ORDER

Presently before the Court is Magistrate Judge David R.
Homer's September 2, 2008 Report-Recommendation in which he

recommends that defendants' motion to dismiss be granted; the order granting Neal's IFP status be vacated and the complaint be dismissed as to all defendants and all claims unless Neal pays the filing fee of \$350.00 within thirty (30) days of the entry of a final order by the District Court. Magistrate Judge Homer's Report-Recommendation was mailed to plaintiff's last known address, but was returned to the Clerk's Office marked, "Not At This Facility - Return to Sender." Under Local Rule 41.2(b), failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of the action. Therefore, in light of Plaintiff's failure to notify the Court of his change of address, the Court hereby


ORDERS that the Report-Recommendation filed by Magistrate Judge David R. Homer on September 2, 2008 is **ACCEPTED** in its entirety for the reasons stated therein, and the Court further

ORDERS that the order granting Neal's IFP status is **VACATED**, and the court further

ORDERS that unless Neal pays the filing fee of \$350.00 within (30) days of the entry of this order, the Clerk of the Court shall enter judgment in favor of defendants and close this case without further Order of this Court.

IT IS SO ORDERED.

Dated: October 1, 2008
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge

